

United States District Court District of Massachusetts

HEATHER KIERNAN,
Plaintiff,

V.

CIVIL ACTION NO. 2004-10131-RBC

ARMORED MOTOR SERVICE
OF AMERICA, INC.,
FRANCESCO CIAMBRIELLO,
Defendants.

NOTICE

COLLINGS, U.S.M.J.

The Court has been informed that the witness Michael Pascetta failed to comply with the subpoena served upon him in the above-styled case by failing to appear for his deposition on February 11, 2005. Further, the Court has been informed that when a new date was set, he sought to re-schedule the deposition to yet a later date. Currently, the deposition is set for September 23, 2005.

Michael Pascetta is hereby advised that failure to comply with a subpoena is punishable as a criminal contempt which can result in a sentence of imprisonment and/or a fine, *see* Rule 45(e), Fed. R. Civ. P., and that if he does

not appear for his deposition at 10:00 A.M. on September 23, 2005 at the office of Morgan, Brown and Joy, LL.P., 200 State Street, Boston, Massachusetts and then and there give testimony, the Court shall institute criminal contempt proceedings against him.

/s/ Robert B. Collings

ROBERT B. COLLINGS
United States Magistrate Judge

Date: August 16, 2005.